

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

|  |   |                       |
|--|---|-----------------------|
| J & J SPORTS PRODUCTIONS, INC.,                | ) |                       |
|  | ) |                       |
| Plaintiff,                                     | ) |                       |
|  | ) |                       |
| v.   | ) | 1:16-cv-620 (LMB/TCB) |
|  | ) |                       |
| LESLEY RESTAURANT INC., d/b/a                  | ) |                       |
| LESLEY RESTAURANT BAR & GRILL, <u>et al.</u> , | ) |                       |
|  | ) |                       |
| Defendants.                                    |   |                       |

ORDER

Before the Court is a Report and Recommendation (“Report”) issued by a magistrate judge on September 28, 2016 [Dkt. 15], which recommended that default judgment be entered against defendant Lesley Restaurant, doing business as Lesley Restaurant Bar & Grill (“Lesley” or “defendant”).<sup>1</sup> Report at 17. Although plaintiff originally requested \$110,000 in statutory and enhanced statutory damages, in addition to reasonable attorney’s fees and costs, the magistrate judge has recommended only \$17,426.77. Id. The parties were advised that any objections to the Report had to be filed within 14 days and that failure to file a timely objection waived the right to appeal the substance of the Report and any judgment based upon the Report. Id. at 18. As of October 20, 2016, no party has filed an objection. The Court has reviewed the Report, plaintiff’s motion for default judgment, and the case file and adopts the Report.

The magistrate judge correctly determined that the Court has subject matter jurisdiction under 28 U.S.C. § 1331 because this civil action involves a federal question arising under the Communications Act of 1934, as amended, 47 U.S.C. §§ 553, 605. Report at 2. The magistrate

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<sup>1</sup> “Plaintiff also named a John Doe defendant in the complaint, but does not seek default judgment against that defendant.” Report at 1 n.1.

judge also correctly concluded that this Court has personal jurisdiction over defendant Lesly Restaurant because it is a Virginia corporation with its principal place of business in Falls Church, Virginia, which is located within the Eastern District of Virginia. Id. at 3. Personal service of process was accomplished on defendant's registered agent, and venue is proper in this district because the events giving rise to the complaint occurred in Falls Church, Virginia. Id.

The Court finds that the magistrate judge correctly determined that plaintiff has pleaded the requirements for obtaining relief under 47 U.S.C. § 605. Report at 7–9. The magistrate judge properly applied the legal standards governing the award of statutory damages and enhanced damages for willfulness, and plaintiff has not objected to the magistrate judge's calculations. Id. at 9–16. Moreover, the magistrate judge rightly concluded that the requested attorney's fees and costs were reasonable and adequately supported by the record. Id. at 16–17.


Accordingly, the Report is ADOPTED and plaintiff's Motion for Default Judgment [Dkt. 9] is GRANTED IN PART and DENIED IN PART, and it is hereby

ORDERED that default judgment be entered against defendant Lesly Restaurant in the amount of \$17,426.77.

The Clerk is directed to enter judgment in this matter pursuant to Fed. R. Civ. P. 55 and forward copies of this Order to counsel of record and the defendant.

Entered this 20<sup>th</sup> day of October, 2016.

Alexandria, Virginia

/s/   
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Leonie M. Brinkema  
United States District Judge